

REMARKS/ARGUMENTS

Reconsideration and allowance of this subject application are respectfully requested.

The Abstract has been revised to overcome the Examiner's objection. In addition, the specification has been amended to make several formatting and editorial type changes.

Withdrawal of the objection to the specification is respectfully requested.

Claims 1-10 stand rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. The parentheticals in the claims have been removed and should overcome this rejection.

Applicants note with appreciation the Examiner's allowance of claims 9 and 10 as well as the indication of allowable subject matter in claims 3-6. For the reasons set forth below, Applicants respectfully submit that all claims should be allowed.

Claims 1, 2, 7 and 8 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. patent 5,613,229 to Baranowski. This rejection is respectfully traversed.

The Examiner admits that Baranowski fails to disclose a multi-band portable communication device. But the Examiner overlooks other features recited in claim 1 not disclosed or suggested in Baranowski.

Claim 1 recites a controller arranged to control an output power level by "generating a digital control signal for the power amplifier." The Examiner attempts to

read this language onto Baranowski's controller 330 which selects which of two power sources will supply power to the transmitter of the power amplifier 210. The controller 330 controls the power supply switching block 332 using an on/off control signal 373 and switches between a voltage mode and a current mode depending upon the activity of the transmitter and the need to charge the terminal battery. All the controller 330 does is to regulate which power source provides the positive supply rail 216 to the power amplifier 210. The controller 330 does not generate any signal that could be reasonably construed as a digital control signal. The regulated voltage is not a control signal; nor is it a digital control signal.

Baranowski also fails to disclose the controller 330 determining a "specific amount of electric energy consumed from the battery." The controller 330 simply detects whether the battery is to be charged. See column 7, lines 48-51. There is no determination of how much electric energy has been consumed by the battery.

Thus, Baranowski lacks multiple features of independent claim 1 including (1) a portable multi-band communication device and a controller that (2) generates a digital control signal for a power amplifier, (3) monitors that the digital control signal, and (4) determines a specific amount of electric energy consumed from the battery. The obviousness rejection based on Baranowski is improper and should be withdrawn.

The application is now in condition for allowance. An early notice to that effect is respectfully solicited.

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Respectfully submitted,

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